

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AMY SMITH, on behalf of M.H.,

Plaintiff,

-v.-

Civil Action No.
5:09-cv-921 (GLS/VEB)

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Olinsky, Shurtliff Law Firm
300 S. State Street
5th Floor
Syracuse, New York 13202

JAYA SHURTLIFF, ESQ.

FOR THE DEFENDANT:

Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278

VERNON NORWOOD, ESQ.

GARY L. SHARPE,
DISTRICT COURT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victory E. Bianchini, duly filed March 8, 2011. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

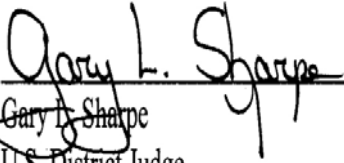
ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed March 8, 2011 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED that Plaintiff's Motion for Judgment on the Pleadings is GRANTED, that the Commissioner's Motion for Judgment on the Pleadings is DENIED, that the decision of the Commissioner is REVERSED, and that the case is REMANDED to the Commissioner for calculation of benefits, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED

Dated: March 29, 2011
Albany, New York



Gary L. Sharpe
U.S. District Judge